

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

JUSTIN WEAVER, SR.,

Plaintiff,

v.

3:11-cv-306

SHERIFF RON SEALS and  
NURSE TAMMY FINCHUM,

Defendants.

**MEMORANDUM**

This is a *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. By the Scheduling Order entered in this cause, the plaintiff was ordered to file his Pretrial Narrative Statement on or before October 31, 2012. The plaintiff was advised that failure to file a Pretrial Narrative Statement would result in dismissal of plaintiff's complaint for failure to prosecute and to comply with the orders of the Court.

The plaintiff has failed to file his Pretrial Narrative Statement or otherwise respond to the Scheduling Order, and the defendants have each filed a motion to dismiss for failure to prosecute. Plaintiff has not responded to the motions to dismiss. The defendants' motions to dismiss [Court File Nos. 14 and 15] will be **GRANTED**. This action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the orders

of the court. Rule 41(b) of the Federal Rules of Civil Procedure. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas W. Phillips  
United States District Judge